

By: Swimford

H.B. No. 3001

A BILL TO BE ENTITLED

AN ACT

relating to the reorganization and consolidation of state governmental functions and entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 76, Agriculture Code, is amended by adding Section 76.0075 to read as follows:

Sec. 76.0075. TRANSFER OF DUTIES FROM TEXAS STRUCTURAL PEST CONTROL BOARD. (a) Notwithstanding any other law, all powers and duties of the Texas Structural Pest Control Board, under this law or any other law, relating to the regulation of the sale, use, or application of pesticides and of professions related to the sale, use, or application of pesticides are transferred to the department.

(b) The Texas Structural Pest Control Board is abolished, and all powers, duties, personnel, property, assets, and obligations of the board are transferred to the department. The validity of a prior action of the board is not affected by the abolishment.

(c) All rules of the Texas Structural Pest Control Board relating to a transferred power or duty remain in effect as rules of the department until amended or repealed by the department.

(d) A reference in law to the Texas Structural Pest Control Board means the department.

SECTION 2. Subchapter C, Chapter 61, Education Code, is

1 amended by adding Section 61.0515 to read as follows:

2 Sec. 61.0515. REVIEW OF UNIVERSITY SYSTEM ADMINISTRATION.

3 (a) The board shall perform a review of the organization and
4 operations of each university system office to:

5 (1) identify appropriate organizational structures
6 for university systems and system offices;

7 (2) identify and quantify workforce and other
8 resources at each system office used to provide services and
9 functions common to each system office; and

10 (3) determine the extent to which system
11 administration employees are performing services and functions
12 that are also provided by employees of individual component
13 institutions of each university system.

14 (b) In the review, the board shall identify the number and
15 types of administrative and executive positions in the
16 administration of each university system, and shall examine each
17 major function, service, or activity performed by university system
18 offices, including:

19 (1) central administration;

20 (2) academic affairs coordination and support;

21 (3) general counsel and other legal services;

22 (4) budgeting, accounting, and data reporting;

23 (5) fiscal management;

24 (6) facilities planning and construction;

25 (7) governmental relations;

26 (8) audit services;

27 (9) real estate management;

1 (10) information technology services; and

2 (11) aircraft operation and usage.

3 (c) Not later than November 1, 2004, the board shall prepare
4 a report of the review and deliver the report to the lieutenant
5 governor, speaker of the house of representatives, Legislative
6 Budget Board, and chair of the standing committee of each house of
7 the legislature with primary jurisdiction over higher education.
8 In the report, the board shall state its findings and identify
9 opportunities for legislative and administrative action relating
10 to:

11 (1) the reorganization of university system offices
12 and functions;

13 (2) the consolidation or reorganization of university
14 systems; and

15 (3) the consolidation or centralization of functions,
16 services, or activities of university system offices.

17 (d) In the report, the board shall identify potential
18 reductions in personnel and other cost savings associated with each
19 legislative or administrative action the board identifies under
20 Subsection (c).

21 (e) This section expires September 1, 2005.

22 SECTION 3. Section 11.204(a), Finance Code, is amended to
23 read as follows:

24 (a) The finance commission shall use the staff, equipment,
25 and facilities of the finance agencies to the extent necessary to
26 carry out the finance commission's duties. To reduce
27 administrative costs, the finance agencies shall share staff,

1 equipment, and facilities to the extent that the sharing
2 contributes to cost efficiency without detracting from the staff
3 expertise needed for individual areas of agency responsibility.
4 The finance commission shall identify and implement other
5 appropriate means of achieving cost savings by combining
6 administrative functions performed by the finance agencies,
7 including, to the extent feasible, shared information systems,
8 accounting, and licensing procedures. Before December 31 of each
9 even-numbered year, the finance commission shall submit to the
10 lieutenant governor and the speaker of the house of representatives
11 a report:

12 (1) describing its activities to achieve cost savings
13 during the preceding state fiscal biennium; and

14 (2) recommending any statutory changes necessary to
15 achieve additional cost savings.

16 SECTION 4. Subchapter A, Chapter 435, Government Code, is
17 amended by adding Section 435.0015 to read as follows:

18 Sec. 435.0015. TRANSFER OF POWERS AND DUTIES FROM
19 COMMISSION. (a) The commission is abolished, and all powers,
20 duties, personnel, property, assets, and obligations of the
21 commission are transferred to the adjutant general's department.
22 The validity of a prior action of the commission is not affected by
23 the abolishment.

24 (b) All rules of the commission relating to a transferred
25 power or duty remain in effect as rules of the adjutant general's
26 department until amended or repealed by the adjutant general's
27 department.

1 (c) A reference in law to the commission means the adjutant
2 general's department.

3 SECTION 5. Chapter 511, Government Code, is amended by
4 adding Section 511.0035 to read as follows:

5 Sec. 511.0035. COMMISSION ABOLISHED AND FUNCTIONS
6 TRANSFERRED. (a) The commission is abolished, and all powers,
7 duties, personnel, property, assets, and obligations of the
8 commission are transferred to the Texas Department of Criminal
9 Justice. The validity of a prior action of the commission is not
10 affected by the abolishment.

11 (b) All rules of the commission relating to a transferred
12 power or duty remain in effect as rules of the Texas Department of
13 Criminal Justice until amended or repealed by the Texas Department
14 of Criminal Justice.

15 (c) A reference in law to the commission means the Texas
16 Department of Criminal Justice.

17 SECTION 6. Section 2003.021(b), Government Code, is amended
18 to read as follows:

19 (b) The office:

20 (1) shall, notwithstanding other law, conduct all
21 administrative hearings in contested cases under Chapter 2001 that
22 are before a state agency [~~that does not employ an individual whose~~
23 ~~only duty is to preside as a hearings officer over matters related~~
24 ~~to contested cases before the agency~~];

25 (2) shall conduct administrative hearings in matters
26 for which the office is required to conduct the hearing under other
27 law;

1 (3) shall conduct alternative dispute resolution
2 procedures that the office is required to conduct under law; and

3 (4) may conduct, for a fee and under a contract,
4 administrative hearings or alternative dispute resolution
5 procedures in matters voluntarily referred to the office by a
6 governmental entity.

7 SECTION 7. Subchapter A, Chapter 2054, Government Code, is
8 amended by adding Section 2054.012 to read as follows:

9 Sec. 2054.012. TRANSFER OF POWERS AND DUTIES TO STATE
10 ADMINISTRATIVE SERVICES AGENCY. (a) The powers and duties of the
11 Department of Information Resources under this chapter or other law
12 are transferred to the State Administrative Services Agency.

13 (b) A reference in law to the Department of Information
14 Resources is a reference to the State Administrative Services
15 Agency.

16 SECTION 8. Section 2151.003, Government Code, is amended to
17 read as follows:

18 Sec. 2151.003. REFERENCE. A statutory reference to the
19 Texas Building and Procurement Commission, the General Services
20 Commission, the State Board of Control, or the State Purchasing and
21 General Services Commission means the State Administrative
22 Services Agency [~~Texas Building and Procurement Commission~~].

23 SECTION 9. Section 2151.004, Government Code, is amended to
24 read as follows:

25 Sec. 2151.004. TRANSFER OF POWERS AND DUTIES TO STATE
26 ADMINISTRATIVE SERVICES AGENCY [~~DEPARTMENT OF INFORMATION~~
27 ~~RESOURCES~~]. (a) The powers and duties of the Texas Building and

1 Procurement [~~General Services~~] Commission [~~under Chapter 2170 or~~
2 ~~other law relating to providing telecommunications services for~~
3 ~~state government~~] are transferred to the State Administrative
4 Services Agency [~~Department of Information Resources~~].

5 (b) A reference in law to the Texas Building and Procurement
6 [~~General Services~~] Commission [~~that relates to the powers and~~
7 ~~duties of the General Services Commission under Chapter 2170 or~~
8 ~~other law relating to providing telecommunications services for~~
9 ~~state government~~] is a reference to the State Administrative
10 Services Agency [~~Department of Information Resources~~].

11 SECTION 10. The heading of Chapter 2152, Government Code,
12 is amended to read as follows:

13 CHAPTER 2152. STATE ADMINISTRATIVE SERVICES AGENCY [~~TEXAS BUILDING~~
14 ~~AND PROCUREMENT COMMISSION~~]

15 SECTION 11. Section 2152.001, Government Code, is amended
16 to read as follows:

17 Sec. 2152.001. AGENCY [~~COMMISSION~~]. The State
18 Administrative Services Agency [~~Texas Building and Procurement~~
19 ~~Commission~~] is an agency of the state.

20 SECTION 12. Section 2152.002, Government Code, is amended
21 to read as follows:

22 Sec. 2152.002. SUNSET PROVISION. The State Administrative
23 Services Agency [~~Texas Building and Procurement Commission~~] is
24 subject to Chapter 325 (Texas Sunset Act). Unless continued in
25 existence as provided by that chapter, the commission is abolished
26 and this subtitle[, ~~except for Chapter 2170 and Section 2157.121,~~]
27 expires September 1, 2013.

1 SECTION 13. Section 2152.051, Government Code, is amended
2 to read as follows:

3 Sec. 2152.051. COMPOSITION OF BOARD [~~COMMISSION~~].
4 [~~(a)~~] The governing board of the State Administrative Services
5 Agency [~~commission~~] consists of five members [+

6 [~~(1) three members~~] appointed by the governor[+]

7 [~~(2) two additional members appointed by the governor~~
8 ~~from a list of nominees submitted by the speaker of the house of~~
9 ~~representatives, and~~

10 [~~(3) two members appointed by the lieutenant~~
11 ~~governor~~].

12 [~~(b) In making an appointment under Subsection (a)(2), the~~
13 ~~governor may reject one or more of the nominees on a list submitted~~
14 ~~by the speaker of the house of representatives and request a new~~
15 ~~list of different nominees.~~]

16 SECTION 14. Section 2152.052(b), Government Code, is
17 amended to read as follows:

18 (b) In making appointments under this section, the governor
19 [~~and lieutenant governor~~] shall attempt to appoint women and
20 members of different minority groups, including African Americans,
21 Hispanic Americans, Native Americans, and Asian Americans.

22 SECTION 15. Section 2152.057, Government Code, is amended
23 to read as follows:

24 Sec. 2152.057. TERMS. Commission members serve staggered
25 six-year terms with one or two [~~or three~~] members' terms expiring
26 January 31 of each odd-numbered year.

27 SECTION 16. Chapter 387, Health and Safety Code, is

1 amended by adding Section 387.0015 to read as follows:

2 Sec. 387.0015. COUNCIL ABOLISHED. The Texas Council on
3 Environmental Technology is abolished and:

4 (1) all unobligated funds of the council are
5 transferred to the undedicated portion of the general revenue fund;

6 (2) positions of employees of the council are
7 terminated;

8 (3) any contract or other obligation of the council is
9 transferred to the Texas Commission on Environmental Quality;

10 (4) the property and records of the council are
11 transferred to the Texas Commission on Environmental Quality; and

12 (5) any administrative duties of the council relating
13 to grants previously made by the council are transferred to the
14 Texas Commission on Environmental Quality.

15 SECTION 17. Subchapter A, Chapter 771, Health and Safety
16 Code, is amended by adding Section 771.002 to read as follows:

17 Sec. 771.002. TRANSFER OF POWERS AND DUTIES FROM COMMISSION
18 ON STATE EMERGENCY COMMUNICATIONS. (a) The Commission on State
19 Emergency Communications is abolished, and all powers, duties,
20 personnel, property, assets, and obligations of the commission are
21 transferred to the Public Utility Commission of Texas. The
22 validity of a prior action of the commission is not affected by the
23 abolishment.

24 (b) All rules of the Commission on State Emergency
25 Communications relating to a transferred power or duty remain in
26 effect as rules of the Public Utility Commission of Texas until
27 amended or repealed by the Public Utility Commission of Texas.

1 agencies are abolished:

2 (1) the Texas State Board of Public Accountancy;

3 (2) the Texas Board of Professional Engineers; and

4 (3) the Texas Board of Architectural Examiners.

5 (b) All powers, duties, personnel, property, assets, and
6 obligations of a state agency listed in Subsection (a) are
7 transferred to the Texas Department of Professional Licensing. The
8 validity of a prior action of a state agency listed in Subsection
9 (a) is not affected by the abolishment.

10 (c) All rules of a state agency listed in Subsection (a)
11 relating to a transferred power or duty remain in effect as rules of
12 the Texas Department of Professional Licensing until amended or
13 repealed by the Texas Department of Professional Licensing.

14 (d) A reference in law to a state agency listed in
15 Subsection (a) means the Texas Department of Professional
16 Licensing.

17 Sec. 59.002. COMMISSION. (a) The Texas Department of
18 Professional Licensing is a state agency governed by a five-member
19 commission appointed by the governor with the advice and consent of
20 the senate.

21 (b) The commission shall adopt rules to implement this
22 chapter.

23 SECTION 20. Subchapter A, Chapter 1701, Occupations Code,
24 is amended by adding Section 1701.004 to read as follows:

25 Sec. 1701.004. COMMISSION ABOLISHED AND FUNCTIONS
26 TRANSFERRED. (a) The commission is abolished, and all powers,
27 duties, personnel, property, assets, and obligations of the

1 agencies are abolished:

2 (1) the Texas State Board of Public Accountancy;

3 (2) the Texas Board of Professional Engineers; and

4 (3) the Texas Board of Architectural Examiners.

5 (b) All powers, duties, personnel, property, assets, and
6 obligations of a state agency listed in Subsection (a) are
7 transferred to the Texas Department of Professional Licensing. The
8 validity of a prior action of a state agency listed in Subsection
9 (a) is not affected by the abolishment.

10 (c) All rules of a state agency listed in Subsection (a)
11 relating to a transferred power or duty remain in effect as rules of
12 the Texas Department of Professional Licensing until amended or
13 repealed by the Texas Department of Professional Licensing.

14 (d) A reference in law to a state agency listed in
15 Subsection (a) means the Texas Department of Professional
16 Licensing.

17 Sec. 59.002. COMMISSION. (a) The Texas Department of
18 Professional Licensing is a state agency governed by a five-member
19 commission appointed by the governor with the advice and consent of
20 the senate.

21 (b) The commission shall adopt rules to implement this
22 chapter.

23 SECTION 20. Subchapter A, Chapter 1701, Occupations Code,
24 is amended by adding Section 1701.004 to read as follows:

25 Sec. 1701.004. COMMISSION ABOLISHED AND FUNCTIONS
26 TRANSFERRED. (a) The commission is abolished, and all powers,
27 duties, personnel, property, assets, and obligations of the

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MAR 14 2003

Filed with the Chief Clerk

MAR 26 2003

Read first time and referred to Committee on Government Reform

Reported favorably (as amended)
(as substituted)

Sent to Committee on (Calendars)
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(yeas, nays)

Senate and Constitutional 3 Day Rules suspended by a vote of yeas, nays

Read third time, _____, and passed by (a viva voce vote)
(yeas, nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)